

Applicant: Kevin L. Parsons
Application No.: 10/616,441
Filed: July 9, 2003
Date: February 22, 2005

REMARKS

In response to the Office Action mailed October 5, 2004 Applicant has amended claims 48, 62, 65 and 72 to better define the present invention. Applicant notes with appreciation that the Section 102 Anticipation rejections of the present invention have been withdrawn. Further prosecution of the present application and reconsideration and withdrawal of the rejections of the claims are respectfully requested.

THE PRESENT INVENTION

The present invention concerns a personally portable flashlight comprising an LED, a power source, a body adapted to receive the LED and the power source, a switch, a side cover disposed on the body, the side cover having at least one translucent panel.

THE CITED REFERENCES, SPECIFICALLY DALTON ET AL AND HERMAN

The Office Action has rejected claims 48-52, 59 and 60 under 35 U.S.C. Section 103(a) as being unpatentable over Dalton et al. (U.S. Patent No. 6,070,990) in view of Herman (U.S. Patent No. 5,685,630). As noted in Applicant's previous response (which is incorporated herein in its entirety by reference) and in the present Office Action, while Dalton et al. discloses a flashlight having an LED, battery, switch and tray type housing, it does not disclose a side cover, and specifically not a *translucent* side cover.

Herman Does Not Teach a Flashlight

With respect to the Herman reference, Applicant notes that the '630 patent teaches a battery-operated automatically switched lighting device and not a personally portable flashlight. The lighting device of Herman is a type of light fixture which is described as concerning (col.1,

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lines 11-14 and lines 34-36):

battery-powered lights for illuminating the interior of an enclosure, such as, for example, a closet or cupboard, which are switched on and off by opening and closing of a door.

* * *

The object of the present invention is to provide an *easily mountable*, battery-operated, automatically switched light of a simple design able to be manufactured at low cost. (emphasis added).

The light fixture of Herman is an inexpensive closet, cabinet or drawer light that is designed to be mounted on the wall of a closet, shelf of a cabinet or within the top of a drawer such that when a door or drawer is opened the light turns on to illuminate the contents thereof. The device is not personally portable and functions only when a door or drawer is opened (in the manner of a refrigerator light). As noted in col. 6, lines 6-21 of the '630 patent, the device is installed on a shelf using double-side foam tape ... in order to position the switching actuator ... such as to be normally engaged by a closure door. This installation permits the light to turn on when the door is opened. Further, the light transmitting (and *preferably clear plastic* housing parts, col. 2, lines 18-22) element of the Herman fixture is the equivalent of a glass or plastic cover on an overhead lighting fixture. The light transmitting element permits light from the bulb of the Herman fixture to shine onto the contents of a drawer, closet or cabinet without exposing the bulb to the contents therein. It is not a panel in the way described in the present invention.

The Combination Suggested Does Not Teach the Present Invention

It is respectfully submitted that persons having skill in the art would not look to combine the flashlight of Dalton with a mounted light fixture of Herman to arrive at the present invention

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as claimed in any of the claims 48-52, 59 or 60.

Claims 62, 65, 66 and 70 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dalton et al (the '990 patent) in view of Herman (the '630 patent). As noted above, Dalton et al. does not teach the use of one or more translucent side covers as taught by the present invention and its combination with Herman, a fixed light fixture, would not have been obvious by persons having skill in the art. For the reasons sited above, the combination of Dalton et al. and Herman would not make the present invention obvious.

Vanderbelt Does Not Add to the Suggested Combination

Claims 53-58, 60, 61, 63 and 64 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dalton et al. in view of Herman as applied to claims 49 and 52, and further in view of Vanderbelt et al (U.S. Patent No. 5,457,613) and in view of Holat (U.S. Patent No. 6,036,810). As noted above, the combination of Dalton et al. and Herman would not have been entered into by persons having skill in the art. As noted in Applicant's previous response, the teachings of Vandebelt et al., and Holat, that is the uses of decorative items including foil, would not make the present invention obvious. There being no translucent panel in Dalton et al. and no one being directed to add the light transmitting segments of Herman (which if covered by decorative elements would not permit the transmittal of light as required by Herman [the panel preferably being clear plastic – col. 2, lines 18-21], thus teaching away from this combination) the combination suggested by the Office Action would not lead to the invention as claimed.

The combination does not teach the invention as claimed. Further, there is no disclosure in any of the patents cited which would cause a person having skill in the art to make such a combination. Dalton et al. is designed to provide an inexpensive gift having an adhesive label advertisement thereon. Herman is designed to provide a fixed closet, cabinet or desk light.

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Claims 67-69 and 71 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dalton et al. in view of Herman as applied to claim 65, and further in view of Vandenbelt et al. (U.S. Patent No. 5,457,613) and in view of Holat (U.S. Patent No. 6,036,810). For the reasons stated above, the combination suggested by the Office Action fails to make the present invention obvious.

Claims 72-76 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dalton et al. in view of Herman in view of Vandenbelt et al. (U.S. Patent No. 5,457,613) and in view of Holat (U.S. Patent No. 6,036,810). For the reasons stated above, the combination suggested by the Office Action fails to make the present invention obvious.

RECONSIDERATION AND ALLOWANCE

Applicant hereby respectfully requests reconsideration and continued examination. A sincere effort has been made to overcome the Action's rejections and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

A petition for a two month extension of time and a check to cover the fee for the petition is also enclosed herewith. If the enclosed fee is insufficient, or if it is determined that a further fee and/or a petition is required, the Commissioner is hereby authorized to charge any such fee to deposit account number 23-0920 and it is respectfully requested that this paper be considered as the required, or necessary, petition.

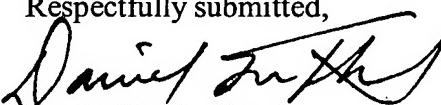
The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or

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even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed. Further, should any further petition be required with respect to this reply and amendment, the Commissioner is respectfully requested to treat this paper as the necessary petition or petitions and to charge the petition fee(s) to the above noted deposit account.

In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

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Respectfully submitted,

Daniel M. Gurfinkel
Attorney for Applicant
Registration No. 34,177

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WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500